

Message

From: Rowley, Laura (ENRD) [Laura.Rowley@usdoj.gov]
Sent: 10/4/2022 9:53:13 PM
To: Flanagan, Sarah [Flanagan.Sarah@epa.gov]; Fajardo, Juan [Fajardo.Juan@epa.gov]; DeLuca, Kathryn [deluca.kathryn@epa.gov]; Zizila, Frances [Zizila.Frances@epa.gov]
CC: Donohue, Brian (ENRD) [Brian.Donohue@usdoj.gov]; andrew.w.keir@usdoj.gov [Andrew.W.Keir@usdoj.gov]
Subject: FW: Diamond Alkali: Sherwin Williams Supplemental Document Production

FYI

From: Carfora, Debra <debra.carfora@morganlewis.com>
Sent: Tuesday, October 4, 2022 5:46 PM
To: Rowley, Laura (ENRD) <Laura.Rowley@usdoj.gov>
Cc: Jason Perdion <Jason.Perdion@sherwin.com>; McGahren, John <john.mcgahren@morganlewis.com>; Herbert Bennett <herbertbennettesq@gmail.com>; Talbert, Jeffrey D. <jtalbert@preti.com>; Donohue, Brian (ENRD) <Brian.Donohue@usdoj.gov>; Keir, Andrew W. (ENRD) <Andrew.W.Keir@usdoj.gov>
Subject: [EXTERNAL] Diamond Alkali: Sherwin Williams Supplemental Document Production

Dear Ms. Rowley,

I am an attorney with Morgan Lewis Bockius LLP. We represent Sherwin-Williams in connection with the Diamond Alkali Superfund Site. We understand from Jeff Talbert that Occidental has made certain representations to EPA regarding the content of documents Sherwin-Williams' recently produced to Occidental in response to requests for production in the litigation captioned *Occidental Chemical Corporation v. 21st Century Fox America, Inc. at al.*, 2:18-cv-11273-MCA-LDW (D.N.J) and the U.S. is requesting a copy of those documents.

For clarity, Sherwin-Williams' supplemental production to Occidental can be generally categorized as company sales magazines and publications, Board of Directors Meeting Minutes from the 1940s-1960s, Annual Reports from 1901-1911, Formulator's Handbooks from the 1960s, Raw Material Consumption Reports from the 1960s, Product Change Forms, Paint Research Reports, Technical Symposium papers, and Record Retention Schedules. A number of these documents were designated as CBI, and Sherwin-Williams intends to maintain those designations to the extent these documents are made available to the U.S.

While we currently understand the scope of the U.S.'s request to include the entire production, please let us know if there is a subset or category of documents you think would be most helpful to receive, including the 37 documents Occidental relied on during the deposition. Additionally, please let us know the production format you would find most useful (i.e., via load file or individual PDFs). We will have our vendor prepare the documents and forward via FTP site.

We also look forward to offering further context for these documents and addressing Occidental's mischaracterizations during our call tomorrow afternoon.

Best,

Debra Carfora

Morgan, Lewis & Bockius LLP

1111 Pennsylvania Avenue, NW | Washington, DC 20004-2541

Direct: +1.202.739.5757 | Main: +1.202.739.3000 | Fax: +1.202.739.3001

debra.carfora@morganlewis.com | www.morganlewis.com

Assistant: Ephrem A. Tessema | +1.202.739.5178 | ephrem.tessema@morganlewis.com

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